## REMARKS

Claims 71-83, as amended, are pending herein.

The Examiner's informality objection and indefiniteness objection under 35 U.S.C. 112 to claim 71 have been addressed by the amendment. The informality objection has been addressed in accordance with the Examiner's suggestion and the indefiniteness objection has been addressed in the whereby clause of amended claim 71. Support for the amendment can be found in the specification at paragraph 60 of the published application.

The Examiner's indefiniteness objection under 35 U.S.C. 112 to claims 75 to 78 has been addressed in the whereby clause of amended claim 75 wherein closeness is ascertained based on the number of hops between OSI Layer 2 and OSI Layer 3 switch pairs. Support for the amendment can be found in the specification at pages 31 to 36. Particularly the subject matter of claim 78 is described on page 36 lines 3 to 18.

The Examiner's indefiniteness objection under 35 U.S.C. 112 to claims 80 to 82 has been addressed by specifying, as the Examiner suggested, that the address is not present in either one of the local and the remote databases. As for the indefiniteness objection to claim 81, the impugned phrase has been deleted.

In response to the Examiner's anticipation rejection under 35 U.S.C. 102(e) of claims 79 and 83, the applicant respectfully disagrees that Kanekar discloses a stacked switch system. While the apparatus best shown by Kanekar in Fig. 3 has two router components, at column 2 lines 16 to 23, Kanekar describes: a master router and a slave router operating in the same chassis and having a shared set of interfaces. Moreover at column 2 lines 61-62, Kanekar teaches that only the master runs the layer 2 protocol As pointed out by the Examiner, only spanning tree Layer 2 information is stored in accordance with Kanekar and the master shares only spanning tree Layer 2 information with the slave. However, amended claim 79 relates to a stacked switching system comprised of a plurality of independent integral switches having their own respective ports. The ports are divided into external ports and stack ports. The invention teaches the use at each switch in the stack of a local database storing a MAC address to local external port associations, and the use of a remote database storing a MAC address to switch identification associations, the information stored in the external database specifying which other switch has the MAC address to external port association for the MAC address. While at column

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4 lines 18-19, Kanekar teaches that the configuration of the master and the slave is synchronized, the invention does not teach synchronizing local databases since the local databases are specific to each switch in the stack and reading from page 26 line 21 the remote switching databases are loosely synchronized. Therefore it is respectfully submitted that Kanekar teaches away from the invention.

Amended claim 83 introduces a switch identification table and means for maintaining the same. The switch identification table specifies via which local stack port each one of the other switches in the stack can be reached. At column 2 lines 16 to 23, Kanekar describes: a master router and a slave router operating in the same chassis and having a shared set of interfaces. It is respectfully submitted that Kanekar does not teach the switch identification table described by the invention.

It is further pointed out that starting at column 2, line 59, Kanekar teaches layer 3 protocols running on both routers and further teaches that layer 2 protocols run only on the master router. It is respectfully submitted that Kanekar teaches away from the invention wherein not all switches in the stack are layer 3 switches and therefore is incapable of running layer 3 protocols, and wherein all switches in the stack run layer 2 at all times.

In response to the Examiner's obviousness rejection under 35 U.S.C. 103(a) to claims 80 to 82, it is respectfully submitted that in order to make a prima facie case of obviousness each cited reference must be analogous, must teach towards the invention, and at least a motivation to combine the reference. It is respectfully submitted that the switching taught by Schnell relates to a switch mirror typically implemented in processing fixed size ATM cells and therefore the Schnell reference is non-analogous. It is further respectfully submitted that while the apparatus taught by Schnell has two physical switches, the input switch processes receive packets prior to their buffering while the output switch processes buffered packets prior to their transmission. As in Kanekar, Schnell teaches an integral device having two physical switches, therefore Schnell teaches away from the invention. It is respectfully submitted that a person of ordinary skill in the art would not be motivated to combine Kanekar with Schnell since in Schnell, only the receiver side of each port is associated with the input switch and only the transmitter side of each port is associated with the output switch. Certainly, Schnell does not describe the stack ports of the present invention. Further, the apparatus taught by Schnell would be inoperative if either the
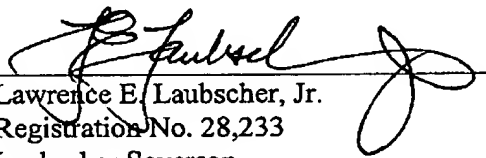
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input or the output switch were disabled if it was designated as a slave switch to the other as taught by Kanekar. Therefore the applicant respectfully submits that the Schnell reference is non-analogous art, that both Kanekar and Schnell teach away from the invention, and that a person of ordinary skill in the art would not combine Kanekar and Schnell.

Allowance of claims 71-83 is courteously solicited.

Respectfully submitted,

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Shelly Hubbard

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